

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: DOLLAR GENERAL CORP.)	MDL No. 2709
MOTOR OIL MARKETING AND)	
SALES PRACTICES LITIGATION)	Master Case No. 16-02709-MD-W-GAF
)	
WILL SISEMORE v. DOLGENCORP,)	
L.L.C. (d/b/a DOLLAR GENERAL)	Member Case No. 16-00532-CV-W-GAF
CORP.))	

ORDER

Now before the Court is Plaintiff Will Sisemore's ("Plaintiff") Motion for Voluntary Dismissal With Prejudice. (Doc. #74). Plaintiff requests the Court dismiss with prejudice all of his claims against Defendant Dolgencorp, L.L.C. ("Defendant"), pursuant to Federal Rule of Civil Procedure 41(a)(2). (*Id.*). Defendant opposes Plaintiff's Motion, and requests the Court either delay its ruling or grant the Motion, while explicitly retaining jurisdiction over Plaintiff for the purpose of levying sanctions at a later date. (Doc. # 87).

Federal Rule 41(a)(2) provides that a court may dismiss a claim at the plaintiff's request on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). The Court acknowledges Defendant's concern with the adequacy of Plaintiff's investigation of the recruitment issue, and desire for the Court to retain jurisdiction to impose sanctions against Plaintiff at a later date. (Doc. #87). "It is well established that a federal court may consider collateral issues after an action is no longer pending." *Cooter & Gell v. Hartmax Corp.*, 496 U.S. 384, 395 (1990); *see also Kurkowski v. Volcker*, 819 F.2d 201, 203 (8th Cir. 1987) (affirming imposition of sanctions on plaintiffs after Federal Rule 41(a)(2) dismissal). As Defendant does not entirely object to Plaintiff's dismissal, and the United States Supreme Court decision in *Cooter & Gell*, it is **ORDERED** that:

Plaintiff's complaint is **DISMISSED** with prejudice. Defendant may seek sanctions in accordance with Federal Rule 11, or any other statutory basis.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: October 25, 2016